

It is untrue that every FM translator application takes a frequency that could have been used by a LPFM station. Many FM translators are located where no LPFM channels are available.

Urbanized areas are the places where additional LPFM frequencies are needed because of greater population, but fewer are available because of the close spacing of full power stations. Because full power stations in high population areas are often spaced 4-5 channels apart, there are no frequencies available for LPFM use, even with liberalized rules for third adjacencies.

FM translator operators are able to find available frequencies in these markets by the use of “contour protection” methods. The commission has stated that LPFM applicants generally do not have the technical expertise to accurately and effectively utilize the benefits of contour protection. FM translator operators have a higher level of technical competence, and are willing to assume the risk of being displaced if they cause interference.

The commission could provide many additional frequencies in these highly urbanized areas by allowing qualifying non-commercial groups to enter into time brokerage agreements (“TBA’s”) with FM translator operators. TBA’s would create partnerships between FM translator operators who would be responsible for technical compliance and interference resolution, and qualifying non-commercial groups that would be responsible for programming issues.

In comparable services such as LPTV, where the allocations are also based on interference criteria, allowing TV translators to operate as LPTV stations has greatly increased the number of local voices heard throughout country. This policy has not caused great harm to the television industry, and has provided economic opportunities for individuals and small businesses across America.

By not allowing for similar local origination on FM translators, the FCC is artificially creating a shortage of frequencies for LPFM and reducing the opportunities for free speech in America in order to protect full power, multi-station commercial broadcasters from competition.